

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MIA N. THOMPSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:09-CV-1705-DJS
	)	
CYNDI PRUDDEN,	)	
	)	
Respondent.	)	

**ORDER AND MEMORANDUM**

This matter is before the Court upon the filing of a 28 U.S.C. § 2254 petition for writ of habeas corpus that is signed by Jeff Thompson, on behalf of his adopted daughter, Mia N. Thompson.

Jeff Thompson has failed to file a motion to act as next friend for Mia N. Thompson. See Fed.R.Civ.P. 17(c). Moreover, it does not appear that Jeff Thompson may bring this action pro se on behalf of his daughter. See *Cheung v. Youth Orchestra Foundation of Buffalo, Inc.*, 906 F.2d 59, 61 (2d Cir. 1990)(nonattorney parent must be represented by counsel when bringing action on behalf of child); *Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986)(minor child cannot bring suit through parent acting as next friend if parent is not represented by counsel); see also *Lewis v. Lenc-Smith Mfg. Co.*, 784 F.2d 829, 830 (7th Cir. 1986)(person not licensed to practice law may not represent another individual in federal court).

Accordingly,

**IT IS HEREBY ORDERED** that no order to show cause shall issue at this time as to respondent.

**IT IS FURTHER ORDERED** that, for the reasons set forth above, the instant application for a writ of habeas corpus is **DENIED**, without prejudice.

Dated this 5th day of November, 2009

/s/ Donald J. Stohr  
UNITED STATES DISTRICT JUDGE